

Message

From: Bruce Merchant [bmerchant@gmail.com]
Sent: 12/8/2015 1:42:49 PM
To: Berkoff, Michael [berkoff.michael@epa.gov]; Bucholtz, Paul (DEQ) [BUCHOLTZP@michigan.gov];
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Subject: City Commission Meeting/Resolution - December 7, 2015

Good Morning Michael, Paul, Jerome, and Eric -

I hope all is well. I wanted to update Michael and Paul on the latest issue that seems to be cropping up here in Kalamazoo.

Last night, the City Commission considered a resolution regarding support for Option 2D for OU-1. My intention was to provide an opportunity to have the Commission provide some support for the 2 plus year process that we all have been working on plus to provide some kudos to the federal elected officials that have been involved in this process. Unfortunately, the resolution was pretty much taken over by the Biopath representatives. They spent the day yesterday (Monday, December 7) meeting with two of the newest City Commissioners who were intent on amending the resolution to include support for the Biopath process. There is a lot of detail I'm skipping that I can fill you in on later, as necessary.

The end result was that the Commission decided to pull the resolution for now and possibly consider it later. The direction that City staff (and I was included in the directive) was to work with Biopath and USEPA-Region 5 staff to facilitate a discussion between the City, Biopath, and USEPA to discuss how to ensure that Biopath's process is considered as part of the clean up of OU-1. There was reference to the meeting that was held at Pulverdryer to review and discuss their process. Mayor Hopewell wants to be involved and the Commission (quite informally) charged him with being their "point person" on the issue. I fairly confident that the Mayor is not necessarily a Biopath fan but you are well aware of his desire to look at new technologies.

There are several side issues to this, as you well know, including a desire by Biopath to have a responsible third party buy OU-1 so that the remedy could be implemented outside of the EPA's regular process. Mayor Hopewell addressed the fact last night that the City has already been in discussions with USEPA about future ownership considerations and issues. I also discussed this with Mick Warner after the meeting. Mick resists talking about the technology, however, and wants to major on how the deal is constructed and obtaining ownership of the property by a third party seems to be his main focus. Mick left of South Carolina right after the meeting last night and said we could talk "next week" sometime.

I think we have an opportunity here to do some due diligence while also ensuring that the hard work of the last 2 plus years isn't ignored. I will work with City staff and the Mayor to talk about next steps. Maybe we can talk later today or tomorrow to brainstorm some ideas about how best to approach this issue without favoring Biopath (or anyone else) in the process. Let me know your availability or if you have any questions.

I love challenges!

Take care.

Bruce